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Paper No. 4

WOODCOCK WASHBURN  
ONE LIBERTY PLACE  
46TH FLOOR  
PHILADELPHIA, PA 19103

**COPY MAILED**

**MAR 11 2002**

In re Application of :  
Phillip Dan Cook et al :  
Application No. 09/996,263 :  
Filed: November 28, 2001 :  
Attorney Docket No. ISIS-4943 :

NOTICE **OFFICE OF PETITIONS**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center AU 1635.

*Wan Laymon*  
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Office of Petitions  
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for Patent Examination Policy